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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

DOUGLAS LARGAESPADA,
a/k/a "Droopy,"

Defendant.

No. 3-08-70400 MEJ

STIPULATION AND [PROPOSED]
ORDER DOCUMENTING WAIVER

With the agreement of the parties, and with the consent of the defendant, the Court enters this order vacating the preliminary hearing date of September 5, 2008, setting a new preliminary hearing date on September 23, 2008, at 9:30 a.m., before the duty magistrate judge, extending the time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and excluding time under the Speedy Trial Act from the date of this stipulation to September 23, 2008. The parties agree and stipulate, and the Court finds and holds, as follows:

1. The defendant, Douglas Largaespada, was charged in a complaint dated July 2, 2008 with one count of assault with a dangerous weapon in aid of racketeering, in violation of 18

1 U.S.C. §§ 1959(a)(3) and 2, and one count of attempted murder in aid of racketeering, in
2 violation of 18 U.S.C. §§ 1959(a)(5) and 2. Largaespada was transferred into federal custody on
3 July 3, 2008, and presented to Magistrate Judge Maria-Elena James on that day. On July 8, 2008,
4 Largaespada appeared before Magistrate Judge Vadas and Gail Shifman, Esq., was appointed to
5 represent him. Magistrate Judge Vadas also scheduled a detention hearing for July 15, 2008.
6 The defendant remained detained pending further proceedings.

7 2. Following the appointment of Ms. Shifman on July 8, 2008, the parties conferred
8 regarding possible dispositions of this matter. Ms. Shifman, however, subsequently withdrew as
9 counsel for the defendant, and on July 23, 2008, Magistrate Judge James appointed Erik
10 Babcock, Esq., to represent the defendant.

11 3. Since Mr. Babcock's entry into this matter, he has been reviewing the matter and
12 familiarizing himself with the case. However, because this case concerns complicated issues
13 relating to the federal racketeering laws, and because the defendant still faces state charges
14 arising from the same event, more time is needed for Mr. Babcock to guide the defendant through
15 this process. As a result, the parties respectfully request an extension of the September 5, 2008
16 preliminary hearing date to September 23, 2008, at 9:30 am, pursuant to Federal Rule of
17 Criminal Procedure 5.1, and excluded the time under the Speedy Trial Act, 18 U.S.C. § 3161, to
18 allow for the effective preparation and representation of counsel.

19 4. Although there is a public interest in the prompt disposition of criminal cases, the
20 above-stated ground — effective preparation and representation of counsel — is good cause for
21 extending the time limit for a preliminary hearing under Federal Rule of Criminal Procedure 5.1,
22 for the filing period for an indictment, and for excluding time under the Speedy Trial Act.
23 Failure to grant the continuance would deny the defense time for effective preparation and deny
24 the defendant effective representation of counsel.

25 5. Accordingly, with the consent of the defendant, the Court hereby: (a) vacates the
26 September 5, 2008 preliminary hearing date and extends the time for a preliminary hearing until
27 September 23, 2008, before the duty magistrate judge, at 9:30 a.m.; and (b) orders that the period
28 from September 5, 2008 to September 23, 2008 be excluded from the time period for preliminary

1 hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations
2 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

3
4 STIPULATED:

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6 DATED: September 4, 2008

/s/
ERIK BABCOCK, ESQ.
Attorney for DOUGLAS LARGAESPADA

8
9 DATED: September 4, 2008

/s/
W.S. WILSON LEUNG
Assistant United States Attorney

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12 IT IS SO ORDERED.

13 DATED: September ____, 2008

HON. ELIZABETH D. LAPORTE
United States Magistrate Judge